

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In a nonfinal Official Action dated August 18, 2005, the Examiner rejected claims 19-29 under the under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,466,585. In response to this rejection, Applicant submitted a Terminal Disclaimer, disclaiming the terminal part of any patent granted on the present application which would extend beyond the full statutory term of U.S. Patent No. 6,466,585.

A final Official Action was issued on January 5, 2006, in which the Examiner once again rejected claims 19-29 based upon U.S. Patent No. 6,466,585. The Examiner rejected Applicant's Terminal Disclaimer on the grounds that it was signed by an attorney who was not in the record of the application.

On Monday, February 20, 2006, a brief telephone interview was conducted between the Examiner, Dang T. Ton, and Marshall J. Brown, attorney for Applicant. Applicant thanks Mr. Ton for the courtesy of this interview. During this interview, Mr. Ton explained that the Terminal Disclaimer would be accepted, and the application placed in condition for allowance, if Applicant were to resubmit the Terminal Disclaimer along with a proper Power of Attorney.

In accordance with the Examiner's comments and in response to the January 5, 2006 Official Action, Applicant is therefore submitting a new Terminal Disclaimer, along with a new Power of Attorney signed by a representative of Applicant. As the issue of obviousness-type-double patent was the only remaining issue with regard to the present application, Applicant submits that the submission of these documents places the application in condition for allowance.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

Date APRIL 5, 2006

FOLEY & LARDNER LLP
Customer Number: 27433
Telephone: (312) 832-4553
Facsimile: (312) 832-4700

By 

G. Peter Albert, Jr.
Attorney for Applicant
Registration No. 37,268